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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,530	10/08/2003	Steven M. Casey	020366-092600US	7288

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/681,530	CASEY ET AL.	
	Examiner	Art Unit	
	Dave Czekaj	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2 are rejected under 35 U.S.C. 101 because the claims do not meet the 35 U.S.C. 101 requirements (the claims have improper language regarding the computer readable medium). Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005. Note Annex IV Computer-Related Nonstatutory Subject Matter. The Annex states that "computer-readable medium encoded with (stored thereon, embedded with or embodying) a computer program", should be recited in the claim in order to be considered statutory. Linking words such as including, comprising, listing and having, are not acceptable as a substitute term for "encoded with".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 11-12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (5913078), (hereinafter referred to as "Kimura").

Regarding claim 1, Kimura discloses an apparatus that relates to a camera capable of recording photograph information of the camera (Kimura: column 1, lines 8-11). This apparatus comprises "a location sensor" (Kimura: figure 2, wherein the location sensor is the GPS receiver), "an image sensor" (Kimura: figure 1, wherein the image sensor is the camera), "a microprocessor communicably coupled to the location sensor and image sensor" (Kimura: figure 2, wherein the microprocessor is the control section), "receiving a location from the location sensor" (Kimura: figure 2, wherein the GPS receiver will provide the location to the control section), "receiving an image from the image sensor" (Kimura: figure 1, wherein the camera will provide the image), and "associate the location with the image" (Kimura: figure 48, wherein the location data is displayed along with the image data).

Regarding claim 2, Kimura discloses "a distance and direction sensor" (Kimura: figure 2, wherein the gyroscope provides the distance and direction), "receiving a distance and direction from the sensors" (Kimura: figure 2, wherein the gyroscope provides the information to the system), and "calculating a second location based in part on the first location, the direction, and the distance, wherein the first location is the location of the image sensor and the second location is the location of the object in the image" (Kimura: column 5, lines 35-49, wherein the location of the object is determined by using the direction, distance, and locations).

Regarding claim 11, Kimura discloses "capturing an object image" (Kimura: figure 1, wherein the camera captures the image), "capturing a location of the image

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sensor” (Kimura: figure 2, wherein the GPS receiver captures the location), and
“associating the location with the object image” (Kimura: figure 48).

Regarding claim 12, Kimura discloses “capturing a direction of the image sensor, capturing a distance, and calculating a location of the object” (Kimura: figure 2; column 5, lines 35-49).

Regarding claim 18, note the examiners rejection for claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-5, 7-10, 13-17, 19-25, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5913078), (hereinafter referred to as “Kimura”) in view of Clapper (6023241).

Regarding claim 3, note the examiners rejection for claim 1, and in addition, claim 3 differs from claim 1 in that claim 3 further requires providing the location to a query database. Clapper teaches that information provided by travel recorders is relatively limited (Clapper: column 1, lines 30-33). To help alleviate this problem, Clapper discloses an apparatus comprising “a transmitter to provide the location of the object in the image to a query database” (Clapper: column 2, lines 56-67, wherein the query database is the excursion server). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the

database taught by Clapper in order to obtain an apparatus that provides as much information to the user as possible.

Regarding claim 4, Clapper discloses “a receiver operable to receive description information from the database” (Clapper: figure 2, wherein the receiver is the IR interface).

Regarding claim 5, Clapper discloses “the object is a landmark wherein the information about the landmark is walking directions” (Clapper: figure 7, wherein the landmark is the Washington Monument; column 6, lines 47-52, wherein the walking directions is the navigation assistance).

Regarding claim 7, Clapper discloses “a display operable to display information selected from the following: the image” (Clapper: figure 7).

Regarding claim 8, Clapper discloses “access a map, wherein the map includes a route from the image sensor to the object and providing the map to the display” (Clapper: column 6, lines 55-59, wherein the map mode provides the route).

Regarding claim 9, Clapper discloses “the map is a topological map” (Clapper: column 6, lines 55-59).

Regarding claim 10, Clapper discloses “associate the location from the sensor with successive frames of the image” (Clapper: column 4, lines 55-59, wherein the successive frames is the move clip).

Regarding claim 13, Clapper discloses “providing a request for information about the object, wherein the request includes the location of the object” (Clapper: column 2, lines 28-65, wherein providing a request is taking the image of the landmark).

Regarding claim 14, Clapper discloses "receiving information about the landmark" (Clapper: column 2, lines 60-67).

Regarding claim 15, note the examiners rejection for claim 5.

Regarding claim 16, note the examiners rejection for claim 7.

Regarding claim 17, note the examiners rejection for claim 1, and in addition, Kimura discloses "storing the object image and information about the object" (Kimura: figure 9, wherein item 13 is memory used for storage).

Regarding claim 19, note the examiners rejection for claim 7.

Regarding claim 20, Kimura discloses "updating the display to include the image and the location" (Kimura: figure 30).

Regarding claims 21-22, note the examiners rejection for claim 2.

Regarding claim 23, note the examiners rejection for claim 3.

Regarding claim 24, note the examiners rejection for claim 4.

Regarding claim 25, note the examiners rejection for claim 5.

Regarding claim 27, Clapper discloses "the handheld camera is a video camera and a still camera" (Clapper: column 3, lines 54-67, wherein the still image is provided; column 4, lines 55-60, wherein a movie is provided).

Regarding claim 28, note the examiners rejection for claim 10.

Regarding claim 29, Kimura in view of Clapper disclose "an image capture device including an image sensor, location sensor, and transmitter, and a central monitor remote from the capture device operable to receive an image and location" (Kimura: figures 1-2; Clapper: figures 2 and 7).

Regarding claim 30, Clapper discloses "the central monitor plots the location on a map" (Clapper: column 5, lines 33-35).

3. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5913078), (hereinafter referred to as "Kimura") in view of Clapper (6023241) in further view of Kubota et al. (6401029), (hereinafter referred to as "Kubota").

Regarding claim 6, note the examiners rejection for claim 3, and in addition, claim 6 differs from claim 3 in that claim 6 further requires the information to be a menu for a restaurant. Kubota teaches that information in a database can include restaurant menus (Kubota: column 9, lines 18-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the restaurant information in the database in order to provide more information to the user.

Regarding claim 26, Kubota discloses "the information includes rates of a hotel" (Kubota: column 13, lines 21-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6222583	04-2001	Matsumura et al.
US-7145597	12-2006	Kinjo

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600